IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 20602 of 2004

Between:

L. Sivamma, W/o. Lakki Reddy Rama Chandra Reddy,
Chinna Pasupula Village, Peddamudium Mandal, Cuddapah District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary, Law (La & J Courts A2)
Department, Secretariat, Hyderabad.
2 The Director of Prosecution, D.G.P. Complex, Lakidakapul,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring in action on the part of the 1st respondent disposing of the request made by the 2nd respondent vide his letter No.465/A2/2004, dated 01-10-2004 enabling the Regular Public Prosecutor, II Additional District & Sessions Judge, Proddatur to conduct the prosecution in S.C.No.139 of 1999 as arbitrary, illegal, abdication of the statutory duty cast on him, colorable exercise of the power and violative of the fundamental rights guaranteed to the petitioner under Article 14 of the Constitution of India and consequently direct the 1st respondent to dispose of the request made by the 2nd respondent vide his letter No. 465/A2/2004, dated 01-10-2004 immediately.

Counsel for the Petitioner:MR.V.R.REDDY KOVVURI

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

The grievance of the petitioner is that on account of the inaction on the part of the respondents, the prosecution in S.C.No.139 of 1999 on the file of the II Additional District & Sessions Judge, Proddatur has come to a stand still.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The case was initially on the file of the II Additional District & Sessions Judge, Kadapa. The said Court was shifted to Proddatur. The case was also transferred to that Court. The Government, through its order in G.O.Rt.No.548 dated 18.03.2003, appointed one Sri Sudhakar Naidu as a Special Public Prosecutor to conduct that case. He was incidentally the Public Prosecutor of the Court of the I Additional District & Sessions Judge, Kadapa. On expiration of his term as public Prosecutor in that Court, he expressed a doubt as to whether it was competent for him to function as a Special Public Prosecutor to conduct the said case. With a view to remove the hiatus, the second respondent made a representation to the first respondent to pass appropriate orders to enable the regular Public Prosecutor of the Court of the II Additional District & Sessions Judge, Proddatur to conduct the trial in S.C.No.139 of 1999 also. The grievance of the petitioner is that the first respondent deliberately delayed the matter on political considerations.

When the writ petition came up for admission, the learned Government Pleader for Home was granted time to obtain instructions. The mater has undergone three adjournments thereafter. Today learned Government Pleader has filed before this Court a copy of G.O.Rt.No.1913 dated 10.11.2004 where under the orders in G.O. Rt.No. 548 dated 18.03.2004 are cancelled and the Public Prosecutor attached to the Court of the II Additional District & Sessions Judge,

Proddatur is enabled to conduct the prosecution of S.C.No.139 of 1999. With this development, the grievance of the petitioner stands redressed.

The writ petition is accordingly closed.

26.11.2004

Note:

Issue CC in one week.

(BO)

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To

1 The Government of Andhra Pradesh, Rep. by its Secretary, Law (La & J Courts A2)
Department, Secretariat, Hyderabad.
2 The Director of Prosecution, D.G.P. Complex, Lakidakapul,
Hyderabad.

3 Two CCs. to the Govt. Pleader for Home, High Court of A.P.,

Hydeabad (OUT)

4 Two CD copies.